IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Bail Appl..No. 6828 of 2007()

(CRIME NO.174/07 OF THE KORATTY POLICE STATION)

PETITIONER/2ND ACCUSED:

GINESH, S/O RAMAN,
KARAMVALAPPIL HOUSE,
KALLOOR, VADAKKUMMURI.

BY ADV. SRI.C.HARIKUMAR

RESPONDENT:STATE:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.RAVEENDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J

B.A.No.6828 of 2007

Dated this the 13th day of November, 2007

ORDER

Application for regular bail. The petitioner is the 2nd accused. Altogether there are 4 accused persons. The petitioner along with the co-accused faces allegations for offences punishable, inter alia, under Section 398 I.P.C. The petitioner was arrested on 22.7.07. He continues in custody. Even though a period exceeding 90 days has elapsed from the date of first remand, the investigation is not complete and the final report has not been filed yet.

2. The learned counsel for the petitioner submits, the learned Public Prosecutor does not oppose the same (as the petitioner is entitled for an indefeasible right to be enlarged on bail by default) and I am satisfied that the petitioner is entitled to be released on bail now. I am dissatisfied to note that even though the fact that a period of 90 days has already elapsed was brought to the notice of the learned Magistrate, the learned Magistrate had still refused to grant regular bail to the petitioner.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays, Wednesdays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) The petitioner shall not leave the Sessions Division of Koratty during the said period of 3 months without the prior permission of the learned Magistrate. The petitioner shall furnish to the Investigating Officer the address of his place of residence within the Sessions Division of Trichur within 7 days of the date of his relase.

(R.BASANT, JUDGE)

rtr/-